

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BOARD OF EDUCATION OF THE *
APPOQUINIMINK SCHOOL DISTRICT, *
et al., *
*
* Plaintiffs *
*
v. * Civil Action No. 06-770-JJF
*
* S Q J, V *
et al., *
*
* Defendants *

MOTION FOR LEAVE TO FILE SURREPLY

1. Defendants seek leave of this Court to file a Surreply to the Plaintiffs' Reply Brief in Support of Their Joint Motion for Summary Judgment, filed with this Court on February 14, 2008.
2. Pursuant to D.Del. L. R. 7.1.2, “[u]nless otherwise ordered by the Court” the briefing schedule for any dispositive motion shall include an Opening Brief, Answering Brief and Reply Brief, .
3. “No additional briefs . . . in support of or in opposition to the motion shall be filed without prior approval of the Court.” See D. Del. L.R. 7.1.2(c).
4. Defendants seek the Court’s indulgence to file a Surreply to this brief due to misstatements of fact and law in Plaintiffs’ Reply Brief.
5. Said Surreply shall conform to the standards for form, content and length of Reply Briefs prescribed by D. Del. L. R. 7.1.3(a) and (c).

RESPECTFULLY SUBMITTED,

/s/ Wayne D. Steedman
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CERTIFICATION

Pursuant to Local Rule 7.1.1, counsel hereby certifies that he attempted to contact opposing counsel on February 18, 2008, to seek their agreement to allow Defendants to file a Surreply. Counsel was unable to reach counsel for the Department by phone. However, counsel for the Board advised that he did not agree to Defendants' motion, and would object.

/s/ Wayne D. Steedman
Wayne D. Steedman, Esq.

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Plaintiffs	*
v.	*
S Q J, V et al.,	Civil Action No. 06-770-JJF
Defendants	*

ORDER

The matter being before the Court on Defendants' Motion for Leave to File a Surreply, it is this ____ day of ____, 2008, hereby:

ORDERED that the Defendants' Motion is GRANTED, and

ORDERED that Defendants' Surreply shall be filed with this Court no later than the close of business on February 29, 2008;

SO ORDERED.

The Honorable JOSEPH J. FARNAN, Jr.
United States District Judge